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SUBJECT: VENEZUELA: UPDATE OF WORST FORMS OF CHILD LABOR

REF: 2008 STATE 127448

11. (U) This cable responds to reftel request for current information on child labor as well as government efforts to address the problem. Venezuelan law protects children from exploitation in the workplace, but enforcement is often lacking. The Ministry of Labor and the National Institute for Labor Accident Prevention, Health and Security (Inpassel) enforces child labor policies more effectively in the formal sector than in the informal sector. Venezuelan law permits children between the ages of 12 and 14 to work only with special government permission. Children between the ages of 14 and 16 may not work without the permission of their legal guardians. Children under 16 may work not more than six hours per day or 30 hours per week. Minors may work only between 6:00 a.m. and 7:00 p.m. As of May 1, 2008, the minimum wage for adolescent workers and apprentices was 599.43 BsF a month or 19.98 BsF a day (1 USD = 2.15 BsF at the official exchange rate). The minimum wage for workers 18 and over is 799.23 BsF a month or 26.64 BsF a day. Venezuelan law prohibits persons under 18 from working in mines or smelting factories. They are also prohibited by law from working in occupations that risk life or health or could damage intellectual or moral development; or in public spectacles. The law establishes sentences of one to three years' incarceration for forced child labor.

12. (U) The Organic Law for the Protection of Children and Adolescents (LOPNA), stipulates that offenders be fined one to 10 months salary for trafficking in children. Stipulated punishment for the prostitution or corruption of minors is as little as three months in jail; repeat offenders may face three to 18 months imprisonment. Under Article 47 of the Organic Law on a Women's Right to a Violence Free Life, designed to compliment existing legislation, smuggling, facilitating the illegal entry or exit of women and young girls through false employment, coercion, or force for monetary benefit, is punishable by 10 to 15 years in prison. (Note: This law, as it is currently written, does not apply to the trafficking of adult males or boys. End note.) The Organized Crime Law makes trafficking in persons and smuggling for labor and sexual exploitation punishable by a sentence of 10 to 18 years if the victim is a child or adolescent. Prostitution is legal and regulated in Venezuela. Women working as prostitutes are required to be 18. The production and sale of child pornography is prohibited, and the law establishes penalties of 16 to 20 years' imprisonment for this crime. The country's minimum age for military recruitment is 18. The Government of the Bolivarian Republic of Venezuela (GBRV) ratified ILO Convention 182 on the Worst Forms of Child Labor in 2005.

13. (U) The GBRV has not responded to posts repeated requests for information on trafficking in persons, to include statistics and information on child labor and trafficking in children.

¶4. (U) The government's social service mission, known as Mission Negra Hipolita, provided assistance to street children. President Chavez recently stated in a public speech that there are no more street children "registered" by the GBRV, however, the human rights NGO For the Rights of Children and Adolescents estimated that approximately 15,000 children live on the street in Caracas. Authorities in Caracas and several other jurisdictions imposed curfews on unsupervised minors to cope with this problem. Because reform institutions are filled to capacity, hundreds of children accused of infractions, such as curfew violations, are confined in inadequate juvenile detention centers. Post is not aware of any social programs specifically designed to prevent and withdrawal children from the worst forms of child labor. The GBRV continues to raise public awareness about the dangers of human trafficking, to include forced labor and child sexual exploitation, by airing public service announcements and distributing posters and pamphlets against child exploitation and forced labor. When underage children are discovered to be working in brothels as prostitutes, they are usually placed into child protective custody.

¶5. (U) In 2006 the GBRV created a working group to draft a national plan of action to combat trafficking in persons, to include child labor and trafficking in children. Over two years later, the government has not completed the plan. Currently post is not aware of any comprehensive policy aimed at the elimination of the worst forms of child labor. Nine years of education are compulsory and free in Venezuela.

¶6. (U) Venezuela is a source, transit, and destination country for children trafficked for the purposes of commercial sexual exploitation and forced labor. Venezuela does not have a tradition of child labor in the production of goods. Child laborers predominately work in the agricultural sector or in small-to-medium sized businesses. Local organizations promoting the rights of children, however, speculate that two-thirds of child laborers, in legal and illegal employment activities, are working in the informal sector. According to the Community Center for Apprenticeship and Promotion of the Rights of Children and Adolescents (CECODAP), a Caracas based NGO promoting the rights of children and adolescents, children working in the commercial sex trade, particularly in mining areas, are at a greater risk for exploitation. The same official added that the number of minors working in the formal sector had decreased, while those working in the informal sector has steadily increased. Due to a lack of information sharing with Embassy officials by the GBRV, post is unable to assess to what extent, if any, Venezuela is making progress toward eliminating the worst forms of child labor.

CAULFIELD